

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN SAULSBERRY,

Defendant.

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No. 2:22-cr-20113-SHL

**ORDER CLARIFYING PAGEID NUMBER DIFFERENCE ON
TRANSCRIPTS FROM THE HEARING ON MOTION TO WITHDRAW
AND DIRECTING SAULSBERRY TO REFILE A CORRECTED
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Before the Court is Defendant Brian Saulsberry's Notice That There Are Two Identical Transcripts with Different "PageID" Numbers, filed May 3, 2024. (ECF No. 132.) Saulsberry points out that a transcript of the evidentiary hearing for the motion to withdraw guilty plea held on *Wednesday*, March 6 was uploaded onto CM/ECF on March 12, 2024. (*Id.* at PageID 986.) This first transcript had PageID numbers ranging from PageID 496–689 and was referenced by Saulsberry in his Proposed Findings of Fact and Conclusions of Law in Support of [Saulsberry's] Motion to Withdraw His Guilty Plea. (ECF No. 129.) However, that transcript stated that March 6 was a Tuesday on PageID 496 & 499 when, in fact, March 6 was a Wednesday.

The "Tuesday" PageID 496–689 transcript was uploaded onto the docket at 5:39 p.m. on March 12 at ECF No. 126. Five minutes later, when the error was noticed by the court reporter, an identical transcript, save for the Tuesday-Wednesday change, was sent to the Clerk's Office to replace the first one. (*See* ECF No. 126.) When the transcript was replaced the next morning at 8:59 a.m., the old PageID numbers (PageID 496–689) vanished; the new PageID numbers were PageID 690–883. (*Id.*)

Out of an abundance of caution, the Court ran a report that compared the content of the two transcripts. The only difference between the two, as previously mentioned, was the “Tuesday” to “Wednesday” swap at three different points on the first four pages of the transcript. But, while the content of the transcripts is the same, Saulsberry’s proposed findings of fact and conclusions of law references PageID numbers that are no longer on the docket.

In its upcoming order on the motion to withdraw, the Court will reference the PageID numbers from ECF No. 126 (PageID 690–883). Therefore, Saulsberry is **DIRECTED** to resubmit his proposed findings of fact and conclusions of law referencing the current version of ECF No. 126 with PageID 690–883 within **seven days** of the entry of this Order.

IT IS SO ORDERED, this 10th day of May, 2024.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE